



*Board of APPEALS*  
*166 Boulder ZONING Drive – Suite 108*  
*Fitchburg, Massachusetts*

MINUTES  
February 9, 2016

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**ATTENDANCE:**

Lauren McNamara-Chair, Michael McLaughlin,  
Joseph Marrama, Nicholas Squailia

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1. **Call to Order** LM
2. **Communications:**
3. **Hearings**

**Pledge of Allegiance:**

**Attendance:** LM, JM, MM, NS,

**7:00PM**

**ZBA-2016-02**

**Francis & Grace Mathieu**  
**565 Rollstone Road**

Request for a Special Permit under §181.34 for family to occupy an existing accessory apartment located at 565 Rollstone Road in the Residential A-1 District at 119R/26/0

LM – Please state your name for the record. Grace Mathieu.

LM - We are a four member Board this evening and as long as you feel comfortable moving ahead that you will pass and you can go ahead or otherwise you can wait till next month when we have another member.

GM – Want to continue

LM – Tell us about your request for a Special Permit ,

GM – Had the apartment forever and my grandfather always used it as an apartment. House has been separated for years.

JM – Is this a single family house.

GM – Yes

LM – Has there been any changes made to the property.

GM – No.

GM – Just want to keep it in the family, my grandson live in the apartment now.

Is there anyone here In favor – None

Opposed – None

Seeking Information – None

Open to Board

MM – Place looks nice

LM - Any further questions, Board No Questions

Close and deliberate

All in favor for the petition

MM- Motion to approve the review on ZBA – 2016-02 for special permit for an accessory apartment with the standard conditions.

1. Property not to be sold or conveyed as a 2-family
2. Special Permit expires in 5 years and must be renewed prior to expiration
3. Special Permit will terminate upon the transfer of the property
4. Dwelling is to be owner occupied
5. Accessory Apartment is to be occupied by a relative of the owner
6. Upon the expiration of the Special Permit the petitioner will restore the property to single family use pursuant to the plan attached to the affidavit. Including any amendments by Zoning Board of Appeals.
7. In all other respects, use of the accessory apartment shall comply with §181.34 of the City of Fitchburg Zoning Ordinance
8. A copy of this Special Permit shall be filed with the Registry of Deeds by Petitioner

NS – Seconded

Vote 4 – 0 In favor of ZBA-2016-02 to Grant Special Permit for the accessory apartment

**7:15PM**

**ZBA-2014-26**

**Paul Amanatidis**

**1109-1151 Main Street**

Review of a Special Permit under §181.313C.12 to operate an automobile repair service. In the Central Business District at 17/64/0

LM - Has there been any communication with the petitioner.

RV – Not that I am aware of

LM - He has technically till 7:30 to show up

At this time the Board finds:

MM - For the next meeting I would like to discuss the issue with the culvert that passes through the property and I had Lenny Laakso email Lois about this. I will forward the email to Robin and have her bring the email with her to next meeting.

MM - He is not going to show, let's move on.

A. The Petitioner is not in attendance will continue the review to April 12, 2016

With the above findings, the Zoning Board of Appeals decides to continue the review to April 12, 2016.

**7:30PM**  
**ZBA-2016-05**  
**Boris Sapozhnikov**  
**265 Summer Street**

Request for a Special Permit under §181.313. E1 for an auto rental business at 265 Summer Street 110/1/4 located in the Central Business District 110/1/4

LM – For the record state your name

Robert Oliver – I am an engineer with David E. Ross Associates and here on behalf of the applicant

LM – The applicant cannot be here tonight?

RO – No, we are applying for a special permit for the particular use for auto rental. We have the rejection letter from the Building Commissioner which directed us to the ZBA to apply for a special permit. What my client is proposing to lease approximately 3000 square feet at the rear of the existing building for auto rental business. What we have prepared is a parking plan. There are two existing businesses in the building. This was at one point the Saturn Dealership. Existing site is all parking, not proposing any site work. Around the back of the building is where the space will be and has existing pavement but not stripped for parking. But we can demonstrate 31 spaces, the applicant only intends to use 10 to 20 spaces. Most of his cars are off site, rented by people.

LM – I just need to clarify one thing – We are a four member board this evening, so that means you need a unanimous vote. If we have a fifth member you could have a descending vote. You have choice to move on or go into next month meeting. RO – Based on the early conversation would like to continue on.

LM – At this point would like to open up to the audience

Is there anyone here      In favor – None                      Opposed – None                      Seeking Information – None

Open to Board

JM – Parking spots in the rear of the building and there be an office? RO – He will have office space and very little traffic coming in and out. JM - There is five or six cars already down there. RO – From previous Limo Company and nothing to do with him. RO – We are going in front of the Planning Board for site plan review next week.

LM – What would be the hours of operation? RO – General business hours, daytime and weekends. Could possibly have some evening hours. LM – We would like to know this. Would this include Saturday and Sunday?

RO – I don't have an answer to this. LM – How is the lighting over there. RO - Parking lot is very well lit, you can see poles all over the site. LM – He is looking for 10 to 20 spaces and does that include employees?

RO – He will use 10 to 20 but we are showing you well in excess of that. Yes it does include one or two employees.

LM – Will these be registered vehicles or unregistered? RO – Registered    MM – How many vehicles?

RO – Applicant needs 10 to 20 vehicles, we have demonstrated there is room for 31 at back rear of property.

MM – Is this a chain or independent. RO – This is independent – Superior Car Rental – He is very small.

MM – Does he have any existing locations? RO – He may have in the Worcester area, but I am not sure.

MM – What is the caliber of the vehicles, are they new vehicles, \$2000 cars? RO – I don't have any answer.

MM – What about service on these vehicles? RO – There is space and overhead doors. They may do routine maintenance on the vehicles, not heavy maintenance. RO – In the Building Commissioner's letter maintenance is subject to State Law. If he does anything other than routine maintenance he will have to get permits. MM – Would like to start drafting up conditions – Number of vehicles, hours of operation, and all vehicles shall be registered at all times. LM – During the winter where will he put the snow, being one business to now three? MO – The plowing will not be different than it is now, the owner of the building maintains the grounds. MO – Parking spaces are 18 ½ by 9 feet wide, 20 foot isles, no tandem parking. LM – Is there passage for fire vehicles? MO – The back has a 20 foot isle, plenty of room. MM – Special permit to have sunset clause, this is to the applicant not to the property.

MM – I would like to continue this with the applicant here so we can get some answers. MO - I would like to close tonight, but I know you need additional information.

MM – It not a national chain, so I guess we have more questions. MM – Who owns the limos on the property?  
MO – I don't know, from I heard the limo company that was there before left them there. Was told the cars would be leaving. MM – One of my conditions is that the vehicles be removed before special permit would be granted. MO – Owner of the site would have to take care of the vehicles. MM – Don't want neighbors looking at the broken down cars. LM – Would you like to move forward with conditions? NS – I think that would be fair so they can get their operations up and running. MM – Would like to meet with petitioner, I have questions he could only answer. LM – We don't have to move ahead, want the Board to be satisfied. JM – Want to know what kind of vehicles will be on site. Want to make sure property stays the way it is. It's a very nice property. There are good neighbors there. MM – How is going to reach the public? Does he have drivers? MO – Just a rental business. Business is probably word of mouth. Not sure what his clientele is or what his vehicles are. He would probably pull permits for the sign. LM – Why don't we go to next month? We will give him a list of what we are looking for. We would like the petitioner to come in if possible, so he can answer some of these questions. Hours of operation, types of vehicles and years, plowing might be tricking moving vehicles around, what about a dumpster, these are a glimpse of what we are looking for.

LM – Entertain a motion

MM – Make a motion ZBA-2016-05 for a continuance until March 8<sup>th</sup> and time to be determined.

Second – JM

Vote 4 – 0 in favor of continue the Special permit

(There will no meeting in March will be moved to April – Lauren and Mike will not be around)

**7:45PM**

**ZBA-2016-01**

**Richard Tuttle**

**429 Wanoosnoc Road**

Request for a Special Permit under §181.34 for family to occupy an existing accessory apartment located at 429 Wanoosnoc Road in the RR District at 185/41/0

LM – Let you know we are a four member board this evening and so you will need a unanimous vote, would like to move forward or come back

Richard Tuttle – Would like to move forward

LM – Please tell us about your petition

RT – It's an in-law apartment that my brother in-law, Maurice Bressard lives. Been there since 2005.

LM – Has there been any changes to the property?

RT- Just solar panels

Is there anyone here In favor – None

Opposed – None

Seeking Information – Yes

Matt Nicaastro - We have abutting property lines, I am at 457 Wanoosnoc Road. I wanted to see what this was about.

LM – He has an accessory apartment and nothing has changed with the property. He has been doing this for quite a few years. You just wanted to see what the process was.

MN – Yes

Open to Board

No questions

Close and deliberate

LM – Joe are you in favor of the petition

JM – Yes

MM – Meets the criteria under §181.34

MM – Make the motion ZBA-2016-01 to Grant the Special Permit for the accessory apartment. With the standard conditions.

1. Property not to be sold or conveyed as a 2-family
2. Special Permit expires in 5 years and must be renewed prior to expiration
3. Special Permit will terminate upon the transfer of the property
4. Dwelling is to be owner occupied
5. Accessory Apartment is to be occupied by a relative of the owner
6. Upon the expiration of the Special Permit the petitioner will restore the property to single family use pursuant to the plan attached to the affidavit. Including any amendments by Zoning Board of Appeals.
7. In all other respects, use of the accessory apartment shall comply with §181.34 of the City of Fitchburg Zoning Ordinance
8. A copy of this Special Permit shall be filed with the Registry of Deeds by Petitioner

Second – NS

Vote 4 – 0 In favor of ZBA-2016-01 to Grant Special Permit for the accessory apartment

**8:00PM**

**ZBA-2008-33**

**Fidelity Co-Op Bank – Derek Beahn**

**Serrato Signs – Andy Serrato**

Review of Variance to erect an electronic message center sign to replace the existing “time & temperature” sign for Fidelity Bank located in the Central Business District at 42/18/0 – 675 Main Street

LM – State your name for the record

Derek Beahn – Marketing Director for Fidelity Bank

LM – Let you know we are a four member board this evening and so you will need a unanimous vote, would like to move forward or come back next month

DB – Want to continue. Sign went up and this is a review. Sign was installed on 12/9/15, it replaced the old one.

Variance was to replace both sides. Have not done a lot with messaging, right now it's time and temp.

Is there anyone here      In favor – None

Opposed – None

Seeking Information – None

Open to Board

LM – Mike you want to go through the standard conditions

MM - Conditions are:

1. No flashing/blinking, animation or video of sign
2. Size and location of signs per plan submitted
3. Alpha/Numeric/Symbolic Picture display only
4. Public Service announcements to be included in the text, such as, time, temp, and amber alerts
5. Signs to be maintained and in good condition and repair

6. Sign to meet D.O.T. standards – not less than 3 second display change

~~7. Review in one year~~

8. Not to be operated as a nuisance

LM – All the findings are being met and at deliberations we should review the conditions.

DB - No flashing/blinking, animation or video of sign makes sense but that's a very vague bullet.

LM – We don't in general make much change to that one.

DB - Alpha/Numeric/Symbolic Picture display only could be interrupted if I put any kind of image on the sign I could be in violation.

MM – We have to take a look at if it impacts the area or home owners with all the movements and scrolling. You are different where you are Main Street.

MM – We are in a learning mode and want you to be able to utilize the sign, but at the same time what I am afraid of with the signs is that there could be a Las Vegas appearance in the city. Seeing a lot of these coming before us and need to strike a balance. What do you like to see, what flexibility would you like or what would be helpful?

DB – I could live with all of these that was the plan. I think #1 & #3 were written for a sign before the new one that could not do these things. The new sign can do a little bit more. We have no intentions of doing anything to flashy. We have three signs, one in Leominster and in Worcester. They are controlled at the same location with the same graphic standards. In Worcester we can only change every 10 seconds. We adhere to the standards from the all cities.

LM – What are the hours of operations? DB – It is on all day long. LM – Not necessary opposed to this because of where it is located. MM – We want the sign to be visible, but we are trying to look at the video aspect. I don't want to see a video as I drive by. I feel we have built in some flexibility. DB – I feel we can live with the standards and fix anything you want fixed. LM – Strike the review and he can come back before us if he wants any changes. There will be no fee, just ask for a review.

Close and deliberate

NS – Fine with language

MM – Make a motion to approve review with changes as noted

NS – Second the Motion

Voted 4 – 0 in favor of the review with changes as noted

**8:15PM**

**ZBA-2015-18**

**South Coast Development, LLC**

**0 Princeton Road**

Request for a Variance under §181.313.C10 for retail sales and a Special Permit under §181.313.C13A for motor vehicle fuel dispensing at 0 Princeton Road located in the Industrial District at 274/4/0.

LM – Let you know we are a four member board this evening and so you will need a unanimous vote, would like to continue to move forward or come back. If you have a descending vote, I do want to make it clear that the motion would not carry.

Anthony Cleaves – Would like to proceed, if there is a sense that the Board would require more information or have descending members it would be ok at that time, maybe we would ask for a continuance.

LM – Your right to do that, please state your name.

MM – Would like clarification why this is listed twice, once as a request and once as a review.

LM – Reason why they are going to present again, is some of the people in the audience were not notified of the hearing last time. So to give them an opportunity they were going to present the whole case again.

My name is Anthony Cleaves, I am with Whitman & Bingham Assoc. the engineers for the project. Also Dominic Brown and Mickey Higgins from South Coast Development are here. We were in front of the Board in December for the exact same thing we are here for tonight. At that time we were issued the Variance for retail sales and Special Permit for motor vehicle fuel dispensing. From that we went to the Planning Board for various approvals. With the ZBA process it came to our attention there was a glitch in the notification, that some of the abutters were not properly notified. It was expressed to us that we needed to come back in front of the ZBA. MM – Out of curiosity who was it, the Building Commissioner that made decision? LM – Because the abutters were not notified. The Accessors Dept. gave Lois the labels and the property to the right was not notified. I spoke with Vinny Pusateri who was on our Board and now is the City Solicitor, felt that this would be the best way to clear this up. Bring in the people that were not notified. MM – How many abutters not notified? LM – Two abutters – one building – two condos, important reason to have the abutters here. Not getting notice was not done intentionally. MM – Technically the variance and special permit is not null and voided. LM – That I did not get clarification on, I say we go through this process to see where we end up. MM – I feel this is a good step. LM – So we are going to hear this again and hopefully they will have answer to some of our questions. AC – Let me know if you need any more details. I am here with Dominic Brown and Mickey Higgins from South Coast Development. Project is for a motor retail outlet on the corner of Authority Drive and Princeton Road. Use consist of motor fuel dispensing and fast food, typical donut, coffee shop drive thru situation and convenience store. The building is on Princeton Rd. and Authority Drive. It will have two accesses, a storm water basin off to the side between the project and abutting residence. Many of the abutting properties are on Fifth Mass Turnpike. As mentioned we were in front of the ZBA in December and left the meeting with an approval. We were just to come back for a final review. Gone through the Planning Board process, we needed a special permit for the fast food component, for a wider access that was 36ft but wanted to go 40ft. and also a site plan review. Received approvals from the Planning Board. Changes that have been done since the last time in front of the Board are the sidewalks. Would like to be in the ground before Mart so they don't rip up the sidewalks. Developer will put in sidewalks as part of this project. Be easier for Mart to tie in with us. Also through Planning Board process and the abutters concerns we will put up more arborvitaes and a six foot high vinyl fence. Councilor Kaddy – What are the height of the arborvitaes? AC – They will 15 to 20 feet to make a barricade. Screening plant of choice and they grow quick. Planning board asked to have extra arborvitaes. Six foot vinyl will run along property line. LM – Will ground be raised for the fence? AC – Will use grade that is there to use natural contours of the land. We have gone to the Conservation Commission before we came to the ZBA, about the wet area. Received a Negative determination, this area is not jurisdictional to Massachusetts Wetland Protections Act. But as part of the review we have gone back to them to review the project for their storm water ordinance. We did that in December and received a positive review. Utilities are both on Authority Dr. and Princeton Rd. We will tie into the water and sewer on Authority Dr. Storm water on the site collected into water quad units, not typical catch basin. Water is collected and routed into 4 bays where the water is treated then the basin will retain the water. We are going to have a wicked drain to sub drain that's a perforated pipe at bottom with a 4 foot deep double trench that helps facilitate exhortation of the water out of the basin and into adjacent structure to help keep it dry after a storm events. Four feet depth of stone provides a hydraulic connection during the change of seasons. After a review of the project we noticed an area that ponds just in front of the adjacent two family, we are trying to alleviate that. Storm water comes down the gutter of Princeton Rd, we propose to put a break off the gutter line and have swale that diverts this water down into a drop to alleviate the ponding. LM – This would benefit the neighbors. AC – Yes, would not be able to take it all away without a complete reconstruction because the land is so flat. LM – Flow of traffic and customer visit. AC – Two way entrances one on Authority Dr. and Princeton Rd. with flow in and out. Parking in front of building and alongside of building. Drive-thru using three sides of building with a bypass lane. LM - Speak to the noise pollution and lighting. AC – No more noise than there is now. Maybe some from the speaker for drive-up, about 50 decibels. Lighting is called dark sky compliant, heads are pointing down. JM – How tall are the light poles. AC – 15 Feet. LM – Being a gas station can you speak about the odors that could be there? Dominic Brown – Trucks have vapor recovery systems, vapor goes back into truck. Pumps have a similar system for vapor recovery.

LM – 8 filling areas DB – Yes AC – Items that the ZBA were looking for from the last meeting are the conditions from the Planning Board. LM – Response sheet from Planning had some comments, 12/15 meeting approved Special Permit for the fast food restaurant. Continued site plan review on 1/19/16 for widening driveways 40ft to 60ft - was approved. Mickey Higgins – Went in front of Council for a storage license which is routine in Massachusetts and that was continued because the Council wanted us to be done with the ZBA before they voted.

Open to Audience

Is there anyone here

In favor – None

Opposed – Debora Chura – 269 Fifth Mass Turnpike – Submitted petition against. (Exhibit A&B)  
Thanh Nguyen – 459 Princeton Road

Seeking Information – Councilor Kaddy

Philip Chura – 269 Fifth Mass Turnpike

Debora Chura – 269 Fifth Mass Turnpike

Rod Gaudreau – 436 Fifth Mass Turnpike

Scott & Diane Wilbur – 455 Princeton Road

Thanh Nguyen – 459 Princeton Road

Councilor Kaddy – Questions and concerns, there are people who would like to see an entrance off of Princeton Rd. and exit on Authority Dr. MH – Owner of South Coast Development – Civil Engineer - Been building gas stations since 1988. This site is big enough and travel ways are wide enough for two way traffic. Planning asked the same question about one way and we told them we would not build it if that was the case. Councilor Kaddy – If it becomes a 24hr facility, can we control the hours of delivery for fuel? MH – Condition the approval, they will be done during regular business hours. Unless there are snow storms or something unexpected. Councilor Kaddy – Took several pictures. 269 Fifth Mass Turnpike house with pool, most exposed. Could they build an earth berm, 3ft high to raise fence, so fence becomes 9ft. and can there be vegetation near fence. The exposure of light is the most important thing. AC – Realistically we can only put up so many arborvitaes and won't go on other people's property. LM – Move fence over more to be able to add more arborvitaes. MH – Site was very dense and wooded. National Grid has cleared cut on their easement and has thin things out. You see the swimming pool now, this house will have the most impact. I would do whatever was reasonable to provide screening as if I lived there. I can't go on the property to plant trees without their permission. Councilor Kaddy – I would ask the City Solicitor to get involved to make sure you got the proper sign offs to go on their property. MH – They have a significant impact because their property is higher. I am sympathetic, we could put a 6ft fence and if you are sitting on your porch you can see right over it. Don't have the room to build berm because of the storm water and slopes. Been in front of the ZBA once already and was approved. But if you want additional green space or additional bushes I am ok with this, but we do have to draw the line. If you want to condition the approval please do so, but at this point in time it's important, we need to get into the ground. LM – We're looking to condition the approval anyways. That's why originally we wanted you to come back. Councilor Kaddy – Height of lights. JM – Most car dealership are 20 to 25ft. That is reasonable and fits in at 15ft. MH – Every exterior lights are LED. LM – Condition, lights not to be operated as a nuisance. AC - Arborvitaes are a rapidly growing shrub, grow 30 ft. Councilor Kaddy – If this is not enough can we raise the fence 3ft. AC – We could try to raise a berm to get it a little higher. Philip Chura – Because of the drop in grade even with the berm the fence would still not be high enough. Concern is the smell of spilled fuel and clean up. MH – There is vapor recovery system. The truck drop two hoses, one drops liquid and the other pulls back vapors. Same with automobiles vapors are pulled back into vehicle. The worse smell you will have is if a landscaper comes and fills a 5gallon gas can. If there was a spill we would clean it right away.

LM – Taking people seeking information



Debora Chura – Don't want to view the gas station from pool. MM - Reason the applicant is here is for the use of the property, which is different than what is allowed. Allowed is zoned industrial, which means as a matter of right a manufacturing facility can open up at the property. This petition could far less impact the area. DC – Concerned about lights, smell and the distraction of the property. LM – How can we come to common ground? We have addressed the screening. LM – We are taking everything into account.

Rod Gaudreau – Do you need a variance to build under the power lines? MH – No, but had to get a site plan review from the power company. RG - Will there be a light at the Authority and 31? MH – No plans. RG - Will there be 18 wheelers fueling at your place? MH – We are not laid out for tractor trailers and do not want them. RG - Removal of trash? MH – Will be picked up twice a week. RG - Small piece of wetlands was a good thing for you? AC – Berm area up, water will continue to flow to the area. Previously talked about storm water system that cleans the water. LM – Actually not deemed wetlands.

Diane Wilbur – Would like arborvitaes put next to my property. When trees are cut down the yard will be exposed. The fence will not help with noise. AC – There are arborvitaes already there, if more were added could stop flow of water. Fence line goes length of property, cannot add anymore.

Scott Wilbur – Have a wide open shared back yard. The way the level of the gas station is the 6ft fence would only give me 1ft of privacy. Have nothing against him bringing his business in, I just want to protect my family. Would like to work with him. LM – Can we move the project over in anyway? MH – Cannot because of the easement the power company has. LM – Would you be willing to put some arborvitaes on other people's properties. MH – I would think about it. SW – Would like 6ft fence in parking lot at guard rails, if that's not possible how about 4ft fence? Does not want people pulling up and seeing he kids playing in the back yard. AC – Left planning board meeting with the decision that a 6ft fence will go length of property.

Thanh Nguyen – Oppose to the gas station. I moved to Fitchburg for the location that was a wooded, quiet area. Trees keep highway noise down, now that the trees are being cleared the noise will be louder. Don't think 6ft fence will work. I want fence in parking and along property for more privacy and to keep lights out. This would work for me. Feel gas tank are too close to property in case of fire.

RG – Will there be any signage. MH – No big signs. LM – Can tank be moved to other side. MH – This was a Planning Board item for reason of unloading the fuel. DB – From lot line 80ft but only required is 3 feet. Jane Lapointe – 260 Fifth Mass Turnpike – How far does a fuel tank have to be from a residence? LM – 3ft. MM – Depending the set back of the property. Example if the set back is 20ft, it would be 20ft plus 3ft. LM – What about a 4ft fence and the 6ft fence? AC – Discussed at the Planning Board and seemed over kill for us. MH – I would rather as a developer put my money into a berm with a 6ft fence. The 4ft fence in parking lot will just get damaged and there could be an issue with snow removal. MM – I would like to make a recommendation to the room as we move forward. Understand the concerns of the abutters and the developer has a fixed cost for the project. If this project is approved favorably would it be advantageous that the Board has a review period in 6 months to see how the project is going. I would hate the Board to impose the condition of a 4ft fence, when it is done you might look at it and say it did not make a difference. Have developer do some work then take a look at it in 3 months. Planning Boards has conditions, but leave flexibility to accommodate the builder. MH – Typically someone from the town has to take over the voice of the abutters because often the abutters won't agree amongst themselves. So generally that becomes the town planner, agent of the Planning Board. Conditions are written and someone usually the Planning Board group takes voice of the abutters. If I meet with six different abutters, there could be six different agendas. We will clear cut the trees and shape the lot, then that will be the time to take a look at the property. Typically the Planning Board should take a look at this not the Zoning Board. MM – I am looking at a Special Permit and Variance not the landscaping, that's Planning. That is why I need to make a decision based on By-Laws. MH – People from the city contacted South Coast Development and said there is a huge void on this side of town. The city would like to see tax revenue and a beautiful project that would increase commercial real-estate values. Put conditions on that the project, will be looked at in 6months to see if it was done adequately. LM – What is the time

frame? MH – 16 Weeks. Want to start March 1<sup>st</sup>. Councilor Kaddy – This comes down to protect people's privacy. Just want a plan to protect them. DC – I have 24 people who protested against the gas station and signed a petition. (Exhibit A&B). LM – People that signed this are from Fifth Mass Tpk., Princeton Rd., Hartford St. Thomas St. and Old Princeton Rd.

#### Open to Board

NS – How will the vehicle lights affect the abutters? Where the parking is angled at the bottom can we turn them to be like the rest of the spaces? MH – The spaces could be moved but the 6ft fence will catch most of the light. Want to leave the spaces as is. NS – How much noise does the air compressor for the tires makes? MH – 72 decibels. Does not make a lot of noise. NS – Could the unit be moved so it does not cause a nuisance? MH – It's the best location, it is the most protected spot for safety reasons. Want to keep people out of the flow of traffic when they are bending down filling their tires. NS – Can we cut down on the noise from the compressor? MH – Planting around unit could help. JM – You have done a great job with your other gas station. Let's review after you get this going. You will get more admissions and noise from the highway and train station. LM – Is the dumpster fenced in and hours of trash pickup? MH – Yes it's fenced in and trash will be picked up on normal business hours. LM – Hours of operation and are you hoping to make this 24 hour operation? MH – 5 to midnight and if there was enough business we would seek to be open 24hrs. LM – Fuel delivery times? MH – Fuel delivery will be before midnight. There could be times when we have a storm that they would deliver at odd times. LM – What about the 4ft fence? MH – I want to leave that area open so we can keep it maintained and mowed. I would be open to the condition for the 6ft fence and come back for a review. Then if it is not satisfactory we can maybe add the 4ft fence. Planning Board had us add the 6ft fence to the site plan. LM – How about plantings instead of the 4ft fence. AC – Plantings could also be damaged and the property slopes downward. Cannot add soil to raise the 6ft fence, won't meet code. NS – I feel the 6ft fence along the property line is a good plan. I also feel that the 4ft fence would collect trash and debris. MH – If we extend the 6ft fence towards the back of the property it will become a site issue. Will put plantings around the air compressor. LM – Can we raise the berm? AC – Target would be 3ft. if possible, using soil on site to build the berm. MH – Will not agree to a condition to dump soil on abutter's property. I would like to do the berm instead of planting on people's property.

Mary Jo Bohart, Director of Economic Development, City of Fitchburg – This is part of the West Fitchburg zoning overlay district and it is intended to take advantage of some of the commercial growth potential that the area will have with the commuter rail station. This city needs economic growth so we can meet the obligations of the city, such as police, fire, teachers and repairs of our roads. I just wanted to emphasize the Economic Development side of this project.

#### Close and Deliberate

LM – Variance 181.313.C10

MM – Extremely in favor of petition, what could be placed on the property could be far worse. It is a great project and spectacular design. Meets the criteria for the variance.

#### Conditions:

1. Plans as submitted
2. All conditions imposed by the Planning Board become conditions of the Variance and the Special Permit
3. Return for a review on May 10, 2016
4. Operation hours 5am to 12pm, seven days a week
5. Fuel deliveries between 5am to 9pm
6. Greenery around air compressor
7. Berm installed to rear of retention pond, target 3ft
8. Board wants to view site in three months

LM – Project in Lunenburg was nicely maintained and have confidence this project will be done the same way. I would like to entertain a motion with the items we have already talked about. I have taken all the neighbors’ concerns into consideration & agree on the conditions.

LM – Motion on Variance 181.313.C10

MM – ZBA 2015-18 grant the variance as requested with the conditions listed.

NS – Second the Motion

Voted 4 – 0 in favor to Grant the Variance with conditions listed.

Close and Deliberate

LM – Motion on Special Permit 181.313.C13A

MM – ZBA 2015-18 grant the Special Permit as requested with the conditions listed. Also the discussion about the 4ft fence. LM - We asked that to be put in the findings. MM – Want to make sure that is clearly there. LM – Is that in a form of a motion. MM – Yes it is and that is under ZBA 2015-18.

NS - Second the Motion

Voted 4 – 0 in favor to Grant the Special Permit with conditions listed.

**8:30 PM**

**ZBA-2016-03**

**Peter Cote**

**310 Main Street Realty & Trust**

Request for a Variance under §181.5363 to erect a new Electronic Reader Board Sign located in the Central Business District at 55/48/0 310 Main Street

Peter Cote – Put up an electronic sign on the roof of the building. It will be diagonal so you can read it coming down Main St. and coming down Blossom St. Size 4ft by 10ft, HD Television. Want to show pictures of food with the price and advertise our entertainment. Want the City to change their ordinance so I can also put videos on the television.

|                      |  |                |                            |
|----------------------|--|----------------|----------------------------|
| Is there anyone here | In favor – Mary Jo Bohart<br>Director of Economic Development<br>City of Fitchburg | Opposed – None | Seeking Information – None |
|----------------------|--|----------------|----------------------------|

Mary Jo Bohart – Peter has put a lot of investment in downtown transforming a dormant restaurant space into a new business. The signage will inform people when they are coming upon the building that this business is here and them a visual of things they can enjoy inside. This will help him building a new customer base. He had a Beemer’s on River St. but he is taking this to a new level and there will be people discovering this for the first time. This sign will be a useful tool. Want the Board to give this some consideration.

LM – Let you know we are a four member board this evening and that means you need a unanimous vote. If you waited for us to be a five member board you can have one descending vote. You have the option to wait or do you want to continue. Peter Cote – Want to continue.

Joe Marrama – Actually I have issue with this. I have an outside interest with this and should not be voting on this.  
LM – Do you have financial gain from this? JM – Yes, we have done work at this property, my partner David owns Mid State Alarm. LM – We will not be able to move forward tonight. JM – I will recuse myself.

Motion

LM – Make a motion to continue to next month. Peter needs to sign an extension letter.  
MM – Make a motion to continue until April 12<sup>th</sup> (LM & MM won't be around for the March meeting, won't have enough Board Members.)

**8:45PM**

**ZBA-2016-04**

**Carlos B. Terrero – Millennium Motors  
34 Bemis Road**

Request for a Variance under §181.313.C.11 for auto sales in the Industrial District at 34 Bemis Road 141/4/0

LM – Petitioner was here and left. We are going to continue this to April. Have petitioner sign the extension letter tomorrow.

LM – Motion to continue to April 12<sup>th</sup>

MM – Motion to continue

NS – Second the motion

Voted 4 – 0 to continue till April

### **Miscellaneous: Elections**

Nicholas Squailia – Clerk

Lauren McNamara - Chair

Michael McLaughlin – Vice Chair

JM – Make a motion to elect LM Chair, MM – Vice Chair & NS - Clerk

LM – Second

Vote 4 – 0 In favor

We need to set up time to review our by-laws.

### **ADJOURNMENT**

MM – Motion to adjourn

NS - Seconded